

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

May 13, 2011

Board of Land and
Natural Resources
Honolulu, Hawaii

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National
Monument Research Permit to Charles Littnan, NOAA Fisheries, Pacific Islands Fisheries
Science Center, for Access to State Waters to Conduct Hawaiian Monk Seal Foraging Habitat
Assessment Activities

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument research permit to Charles Littnan, lead scientist, Hawaiian Monk Seal Research Program, NOAA, pursuant to § 187A-6, Hawaii Revised Statutes (HRS), chapter 13-60.5, Hawaii Administrative Rules (HAR), and all other applicable laws and regulations.

The research permit, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- Nihoa Island

The activities covered under this permit would occur between June 1, 2011 and May 31, 2012.

The proposed activities are a renewal of work previously permitted and conducted in the Monument.

INTENDED ACTIVITIES

The applicant proposes to conduct video camera surveys of benthic habitats to enhance understanding of the foraging ecology of subpopulations of Hawaiian monk seals in the Northwestern Hawaiian Islands.

To carry out the surveys, the applicant would suspend a video camera from a vessel to record images of the bottom and determine habitat types at foraging “hot spots” determined by previously satellite-tracked monk seals.

The Hawaiian Monk Seal Research Program has been satellite tracking seals for the past three years. These data will be used to analyze foraging locations around Nihoa and determine areas

repeatedly visited, or so called “hotspots”. A video camera would be suspended to record images of the bottom at “hotspots”, as well as randomly selected locations. The camera drops would allow the applicant to determine if 1) all monk seals are utilizing similar habitats, 2) if certain habitats are preferred over others, and 3) if there is more habitat available for a larger population of monk seals to utilize. This would be important for consideration of carrying capacity for Nihoa Island.

The activities proposed by the applicant directly support the Monument Management Plan’s priority management needs 3.2 – Conserving Wildlife and Habitats, through action plan 3.2.1 – Threatened and Endangered Species. This action plan includes a strategy to “support activities that advance recovery of the Hawaiian monk seal”.

The activities described above would not require any regulated activities (per Monument regulations) to occur in State waters.

REVIEW PROCESS:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawaii Division of Aquatic Resources, Hawaii Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March 10th, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument’s Public Notification Policy.

Comments received from the scientific community are summarized as follows:

Scientific reviews support the acceptance of this application.

The following concerns were raised and Applicant responses are noted below.

1. Please describe your findings from the first 14 camera drops that were conducted around Nihoa in 2010 as part of your foraging ecology study.

The Applicant stated that the habitats sampled were generally uniform across the sampling time and consisted mostly of sand and/or pavement. There was some macroalgae cover (always less than 10%) and occasionally rubble. The Applicant has found that this is consistent with other monk seal foraging habitats documented at FFS by Parrish.

2. What is the average duration for a camera drop?

The Applicant stated that the average duration of camera drops including dropping, running a transect, and retrieval was about 7.5 minutes. The Applicant explained that this was based on 5 minutes of bottom time for the transect. Due to the uniformity of the bottom and some problems with camera drifting up during deeper transects, he intends to reduce the bottom time of each transect to 2 minutes.

Comments received from the Native Hawaiian community are summarized as follows:

Cultural reviews support the acceptance of this application. No concerns were raised.

Comments received from the public are summarized as follows:

No comments were received from the public on this application.

Additional reviews and permit history:

Are there other relevant/necessary permits or environmental reviews that have or will be issued with regard to this project? (e.g. MMPA, ESA, EA) Yes ☒ No ☐

If so, please list or explain:

- The proposed activities are in compliance with the National Environmental Policy Act.
- MMPA/ESA permit related to this activity: Permit To Take Protected Species For Scientific Research And Enhancement Purposes, Permit No. 10137-04, issued by the Office of Protected Resources, National Marine Fisheries Service
- The EA for this permit resulted in a FONSI and is titled: Supplemental Environmental Assessment On Issuance Of A Permit For Field Research and Enhancement Activities On The Endangered Hawaiian Monk Seal (Permit No. 10137-04)
- The Department has made an exemption determination for this permit in accordance chapter 343, HRS, and Chapter 11-200, HAR. See Attachment ("DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPA HANAUMOKU AKEA MARINE NATIONAL MONUMENT RESEARCH PERMIT TO CHARLES LITNAN, NOAA FISHERIES, PACIFIC ISLANDS FISHERIES SCIENCE CENTER, FOR ACCESS TO STATE WATERS TO CONDUCT HAWAIIAN MONK SEAL FORAGING HABITAT ASSESSMENT ACTIVITIES UNDER PERMIT PMNM-2011-029")

Has Applicant been granted a permit from the State in the past? Yes ☒ No ☐

If so, please summarize past permits:

- The Applicant was granted permit PMNM-2010-30 to conduct similar activities. The Applicant was also granted permits PMNM-2008-016, PMNM-2010-018, and PMNM-2009-030 to conduct associated Hawaiian monk seal recovery work in 2008 and 2009.

Have there been any a) violations: Yes ☐ No ☒
b) Late/incomplete post-activity reports: Yes ☐ No ☒

Are there any other relevant concerns from previous permits? Yes ☐ No ☒

STAFF OPINION:

DAR staff is of the opinion that Applicant has properly demonstrated valid justifications for his application and should be allowed to enter the NWHI State waters and to conduct the activities therein as specified in the application with certain special instructions and conditions, which are in addition to the Papahānaumokuākea Marine National Monument Research Permit General Conditions. All suggested special conditions have been vetted through the legal counsel of the Co-Trustee agencies (see Recommendation section).

MONUMENT MANAGEMENT BOARD OPINION:

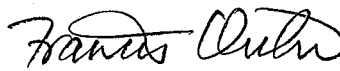
The MMB is of the opinion that the Applicant has met the findings of Presidential Proclamation 8031 and this activity may be conducted subject to completion of all compliance requirements. The MMB concurs with the special conditions recommended by DAR staff.

RECOMMENDATION:


That the Board authorize and approve a Research Permit to Charles Littnan, Pacific Islands Fisheries Science Center, with the following special conditions:

1. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocol attached to this permit.
2. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
3. Refueling of tenders and all small vessels must be done at the support ships and outside the confines of lagoons or near-shore waters in the State Marine Refuge.
4. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.

Respectfully submitted,


for Administrator

APPROVED FOR SUBMITTAL


WILLIAM J. AILA JR.
Chairperson

**Papahānaumokuākea Marine National Monument
RESEARCH Permit Application**

NOTE: *This Permit Application (and associated Instructions) are to propose activities to be conducted in the Papahānaumokuākea Marine National Monument. The Co-Trustees are required to determine that issuing the requested permit is compatible with the findings of Presidential Proclamation 8031. Within this Application, provide all information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Papahānaumokuākea Marine National Monument (Monument).*

ADDITIONAL IMPORTANT INFORMATION:

- Any or all of the information within this application may be posted to the Monument website informing the public on projects proposed to occur in the Monument.
- In addition to the permit application, the Applicant must either download the Monument Compliance Information Sheet from the Monument website OR request a hard copy from the Monument Permit Coordinator (contact information below). The Monument Compliance Information Sheet must be submitted to the Monument Permit Coordinator after initial application consultation.
- Issuance of a Monument permit is dependent upon the completion and review of the application and Compliance Information Sheet.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

Send Permit Applications to:

Papahānaumokuākea Marine National Monument Permit Coordinator

6600 Kalaniana'ole Hwy. # 300

Honolulu, HI 96825

nwhipermi@noaa.gov

PHONE: (808) 397-2660 FAX: (808) 397-2662

**SUBMITTAL VIA ELECTRONIC MAIL IS PREFERRED BUT NOT REQUIRED. FOR
ADDITIONAL SUBMITTAL INSTRUCTIONS, SEE THE LAST PAGE.**

**Papahānaumokuākea Marine National Monument
Permit Application Cover Sheet**

This Permit Application Cover Sheet is intended to provide summary information and status to the public on permit applications for activities proposed to be conducted in the Papahānaumokuākea Marine National Monument. While a permit application has been received, it has not been fully reviewed nor approved by the Monument Management Board to date. The Monument permit process also ensures that all environmental reviews are conducted prior to the issuance of a Monument permit.

Summary Information

Applicant Name: Charles Littnan

Affiliation: National Marine Fisheries Service

Permit Category: Research

Proposed Activity Dates: June 1, 2011 – May 31, 2012

Proposed Method of Entry (Vessel/Plane): Vessel- Searcher, Oscar Elton Sette, Kahana

Proposed Locations: Nihoa and surrounding marine habitat

Estimated number of individuals (including Applicant) to be covered under this permit:
12

Estimated number of days in the Monument: 10

Description of proposed activities: (complete these sentences):

- a.) The proposed activity would...
enhance our understanding of the foraging ecology and habitat use of monk seals at Nihoa Island.
- b.) To accomplish this activity we would
continue recent efforts to suspend a video camera from a vessel to determine habitat types at foraging "hot spots" determined by previously satellite-tracked monk seals.
- c.) This activity would help the Monument by ...
More closely assessing the demographic trends and conditions and describing the foraging ecology of these seals, we may better understand the ecological factors that are contributing to the rapid decline of monk seals in the rest of the NWHI.

Other information or background:

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial): Littnan, Charles L.

Title: Lead Scientist, Hawaiian Monk Seal Research Program (HMSRP)

1a. Intended field Principal Investigator (See instructions for more information):
Charles L. Littnan

2. Mailing address (street/P.O. box, city, state, country, zip):

[REDACTED]

Phone: [REDACTED]

Fax:

Email: [REDACTED]

For students, major professor's name, telephone and email address: n/a

3. Affiliation (institution/agency/organization directly related to the proposed project):
Pacific Islands Fisheries Science Center, National Marine Fisheries Service, NOAA, Department of Commerce

4. Additional persons to be covered by permit. List all personnel roles and names (if known at time of application) here (e.g. John Doe, Research Diver; Jane Doe, Field Technician):

Chad Yoshinaga, Chief Scientist
Jessica Lopez, Biological Technician
Thea Johanos, Population Assessment Program Lead
Sean Guerin, Biologist
Mark Sullivan, Biologist
John Henderson, Biologist
Tenaya Norris, Biological Technician
Scott Ferguson, Chief Scientist
Angie Kaufman, Biological Technician
Others TBD

Section B: Project Information

5a. Project location(s):

<input checked="" type="checkbox"/> Nihoa Island	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input checked="" type="checkbox"/> Deep water
<input type="checkbox"/> Necker Island (Mokumanamana)	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> French Frigate Shoals	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Gardner Pinnacles	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Maro Reef			
<input type="checkbox"/> Laysan Island	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Lisianski Island, Neva Shoal	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Pearl and Hermes Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Midway Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Kure Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Other			

NOTE: There is a fee schedule for people visiting Midway Atoll National Wildlife Refuge via vessel and aircraft.

Location Description:

Video Camera Surveys of Benthic Habitat: Surveys of habitat use will be conducted on the on the sea mount surrounding Nihoa Island and on the sea mount immediately to the west. Estimated locations that will be surveyed are listed later in this application.

5b. Check all applicable regulated activities proposed to be conducted in the Monument:

- ☐ Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving Monument resource
- ☐ Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands
- ☐ Anchoring a vessel
- ☐ Deserting a vessel aground, at anchor, or adrift
- ☐ Discharging or depositing any material or matter into the Monument
- ☐ Touching coral, living or dead
- ☐ Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument
- ☐ Attracting any living Monument resource
- ☐ Sustenance fishing (Federal waters only, outside of Special Preservation Areas, Ecological Reserves and Special Management Areas)
- ☐ Subsistence fishing (State waters only)
- ☐ Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

6 Purpose/Need/Scope *State purpose of proposed activities:*

The total abundance of Hawaiian monk seals in the Northwestern Hawaiian Islands (NWHI), has declined by 70 % since the late 1950s. Since then, the six main sub-populations have experienced everything from periods of promising growth to catastrophic setbacks. The causes of decline have varied over time and from place to place, but since the early 1990s the decline has been driven, in large part, by poor juvenile survival. Many of these young animals have failed to thrive, and only about 1 of every 5 live to reach maturity, a situation largely due to insufficient food availability. The age structure of the population is therefore now unfavorable for future growth and the total population will inevitably fall below 1,000 individuals in just a few years.

To address this decline NMFS has been developing a variety of strategies to try to increase juvenile survival in order to increase the reproductive potential of this dwindling population. In recent years NMFS undertook a pilot study to test translocation protocols and assess survival of translocated seals. The study focused on moving recently weaned seals from French Frigate Shoals (an area of poor first year survival) to Nihoa Island (an area of projected higher survival). Monitoring the resident and translocated seals is on going but initial findings demonstrated that relocated seals had at least a 2.5 times greater likelihood of survival than seals left at French Frigate Shoals. One other component of the study was to assess the foraging behavior and habitat use of translocated and resident monk seals using telemetry tags and benthic surveys. The telemetry portion of the study has been completed but habitat assessments are incomplete. In 2010, NMFS returned to Nihoa to conduct benthic habitat surveys using cameras suspended from a vessel. A total of 14 of approximately 70 sites were surveyed. NMFS would like to complete the surveys in 2011/12.

7. Answer the Findings below by providing information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Monument:

The Findings are as follows:

a. How can the activity be conducted with adequate safeguards for the cultural, natural and historic resources and ecological integrity of the Monument?

The goal of the work described here is to monitor a Monument natural resource and, ultimately, assist in the recovery of the Hawaiian monk seal, both of which are consistent with Monument mandates. The research proposed herein is compatible with the conservation and management goals of the Monument and minimizes disturbance to the NWHI ecosystem.

The camera drops have been used previously with no impact to the marine environment.

Native Hawaiians share a close link to the ocean, marine life, and islands within the monument and seek to maintain the living cultural resources found there. Hawaiian monk seals are one of

the most threatened of these cultural and natural legacies. The work presented here is important for the survival of this species into the future, and it is our intent to continue this work with respect and in partnership with the Native Hawaiian community. Accordingly, all scientists participating on these cruises will receive a Native Hawaiian cultural briefing before departure to the NWHI. In addition, the primary permittee, chief scientist, and other appropriate personnel look forward to consulting with the Office of Hawaiian Affairs (OHA) and the Monument's Native Hawaiian program coordinator on proper conduct while in the NWHI, on cultural sensitivities associated with the proposed activities and locations, and on the applicability of the results of this research to the role of OHA as one of the NWHI stakeholder agencies.

Lastly, the monk seal program has dedicated itself to providing a position for a cultural practitioner on field teams when conducting these research trips. We believe it is a great opportunity for information exchange and sharing between science and traditional knowledge and we enjoy providing transport to these important sites that practitioners may not normally be able to visit. We do this out a desire for partnership not as a requirement for our permit.

b. How will the activity be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument cultural, natural and historic resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects? Please see 7a.

c. Is there a practicable alternative to conducting the activity within the Monument? If not, explain why your activities must be conducted in the Monument.
No. This is the conclusion of an ongoing study at Nihoa Island.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?
This work is the conclusion of an ongoing study. The terrestrial portions of this study have already been completed and the marine portion (camera drops) is benign to the environment. The results of this work will provide insights that will allow us to make better informed decisions related to conservation of this species. Furthermore, the potential gain from this project could lead to tools to increase survival of juvenile monk seals in the rapidly dwindling NWHI population.

e. Explain how the duration of the activity is no longer than necessary to achieve its stated purpose.
All activities here are devised in a manner to minimize time in the field. Researchers will remain in the field for only the time necessary to the proposed number of camera drops to ensure the success of the study.

f. Provide information demonstrating that you are qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

The Hawaiian Monk Seal Research Program has been conducting research on this species for over two decades. All members participating on these studies have previous monk seal experience and most have worked within the NWHI before. The protocols and research plans presented for these studies have been reviewed and approved by a variety of experts including the Marine Mammal Commission, Hawaiian Monk Seal Recovery Team, as well as other external specialists.

g. Provide information demonstrating that you have adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct. All research/enhancement activities are supported by NOAA Fisheries funding and primarily with the use of NOAA research vessels.

h. Explain how your methods and procedures are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic resources, qualities, and ecological integrity.

All participating staff are educated and trained to respect all cultural, natural and historic resources in the Monument. Our first and primary objective is "Do no harm". See section 7a above for details.

i. Has your vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of Presidential Proclamation 8031?

Yes

j. Demonstrate that there are no other factors that would make the issuance of a permit for the activity inappropriate.

There are no factors, such as other permit violations, that should prevent the issuance of this permit. All activities are inline with Hawaiian Monk Seal Recovery Plan and relevant sections of the Monument Management Plan.

8. Procedures/Methods:

Benthic Habitat Assessment

The Hawaiian Monk Seal Research Program used locations derived by satellite tracking translocated and resident seals at Nihoa to determine foraging areas. We then identified areas repeatedly visited by individuals, or so called "hotspots" and then randomly selected other sites that were rarely or never visited by seals to compare. A list of these locations is in attached appendix A.

We intend to describe the habitats at these sites during subsequent trips to Nihoa by suspending a video camera via a high-tensile cable to record images of the bottom. This will allow us to determine if 1) all monk seals are utilizing similar habitats, 2) if certain habitats are preferred

over others, and 3) if there is more habitat available for a larger population of monk seals to utilize. This will be important for considerations of carrying capacity for Nihoa Island.

Recordings of benthic habitat will be for no more than 2 minutes per camera drop. Total time per drop (including deployment and retrieval) will generally be less than 5 minutes.

NOTE: If land or marine archeological activities are involved, contact the Monument Permit Coordinator at the address on the general application form before proceeding, as a customized application will be needed. For more information, contact the Monument office on the first page of this application.

9a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):

Common name:

Scientific name:

Collection location:

Shoreline areas of the islands of Nihoa and Mokumanamana

☐ Whole Organism ☐ Partial Organism

9b. What will be done with the specimens after the project has ended?

9c. Will the organisms be kept alive after collection? ☐ Yes ☐ No

• General site/location for collections:

• Is it an open or closed system? ☐ Open ☐ Closed

• Is there an outfall? ☐ Yes ☐ No

• Will these organisms be housed with other organisms? If so, what are the other organisms?

• Will organisms be released?

10. If applicable, how will the collected samples or specimens be transported out of the Monument?

11. Describe collaborative activities to share samples, reduce duplicative sampling, or duplicative research:

Currently NOAA Fisheries is the only group we know proposing camera drops in this area. The results will be available to anyone interested in habitat mapping..

Data collected during this study will also be provided to the Monument to aid with their management objectives.

12a. List all specialized gear and materials to be used in this activity:

Benthic Habitat Survey:

For Shallow Surveys (< 60 m) we will be using the SplashCam Deep Blue Pro.

Camera Specifications

Focus: Fixed 1 inch to focal infinity

Auxiliary Lighting: High Intensity LED

Resolution: 520 TV Lines

CCD: 1/3" Sony Super HAD II

Pixel Array 768(H)X 494(V)

Focus: 1.5" to Focal Infinity

Lens: 3.6mm

Iris: Electronic

Operating Temp: -10 to 55C

Light Sensitivity: 0.1 lux

Input Voltage: 12 volts DC

Current Draw: 90 mA

Physical Specifications Body Construction: Anodized Cast Aluminum

Exterior Finish: Thermoplastic Paint

Camera Weight: 1.2lbs water / 2lbs air (Dive weight can be added)

Depth Rating: 800ft standard / 2000ft with upgrade

Cable Strength: 700lbs break strength / 250lbs nominal work load

Available Cable Lengths: 50-1000ft in 50ft. increments

Dimensions: 3" Dia. / 3.5" Length

Weight with 50ft Cable: 10lbs

For Depths >60 m and <200 m we will use a camera deployed via a winch. The camera will likely be JW Fisher TOV-1 Camera System: <http://www.jwfishers.com/tov1.htm>

12b. List all Hazardous Materials you propose to take to and use within the Monument:
Hazardous Chemicals

MSDS for all chemicals will be provided if necessary

FLAMMABLES

- Boating
- 1 Corrosion Block
- 1 Epoxy Cement
- 1 EZ Store Fuel Stabilizer
- 1 Boat Oil
- 1 Gas, 55 gal drum
- 1 Grease, Silicon
- 1 Marine Sealant / Silicon Sealer
- 1 Marine Tex
- 1 Permatex
- 1 Resin
- 1 Silicone Lubricant
- 1 WD-40/LPS

13. Describe any fixed installations and instrumentation proposed to be set in the Monument:

14. Provide a time line for sample analysis, data analysis, write-up and publication of information:

Data analysis is ongoing and should be completed by 2013 at the latest. The work is part of MSc. and is largely dependent on how long it takes to complete the camera drops (number of cruises need to accomplish).

15. List all Applicants' publications directly related to the proposed project:

A list of HMSRP publications can be provided if necessary. For additional background information, and an extensive bibliography, please see the Recovery Plan for the Hawaiian Monk Seal (www.nmfs.noaa.gov/pr/pdfs/recovery/hawaiianmonkseal.pdf).

With knowledge of the penalties for false or incomplete statements, as provided by 18 U.S.C. 1001, and for perjury, as provided by 18 U.S.C. 1621, I hereby certify to the best of my abilities under penalty of perjury of that the information I have provided on this application form is true and correct. I agree that the Co-Trustees may post this application in its entirety on the Internet. I understand that the Co-Trustees will consider deleting all information that I have identified as "confidential" prior to posting the application.

Signature

Date

**SEND ONE SIGNED APPLICATION VIA MAIL TO THE MONUMENT OFFICE
BELOW:**

Papahānaumokuākea Marine National Monument Permit Coordinator
6600 Kalaniana'ole Hwy. # 300
Honolulu, HI 96825
FAX: (808) 397-2662

DID YOU INCLUDE THESE?

- ☐ Applicant CV/Resume/Biography
- ☐ Intended field Principal Investigator CV/Resume/Biography
- ☐ Electronic and Hard Copy of Application with Signature
- ☐ Statement of information you wish to be kept confidential
- ☐ Material Safety Data Sheets for Hazardous Materials

Papahānaumokuākea Marine National Monument Compliance Information Sheet

1. Updated list of personnel to be covered by permit. List all personnel names and their roles here (e.g. John Doe, Diver; Jane Doe, Field Technician, Jerry Doe, Medical Assistant):

Field Crew:

Charles Littnan Lead Scientist (NMFS)
Chad Yoshinaga Field Researcher (NMFS)
Sean Guerin Field Researcher (JIMAR/NMFS)
Doug Roberts Sette Crew (NMFS)

Tenaya Norris Field Researcher (Marine Mammal Center/Moss Landing Marine Lab)
Frances Gulland Veterinarian (Marine Mammal Center)

2. Specific Site Location(s): (Attach copies of specific collection locations):
Nihoa Island and sea mount to the southwest

3. Other permits (list and attach documentation of all other related Federal or State permits):

3a. For each of the permits listed, identify any permit violations or any permit that was suspended, amended, modified or revoked for cause. Explain the circumstances surrounding the violation or permit suspension, amendment, modification or revocation.

None

4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information):

Federal Funding

5. Time frame:

Activity start: August 21, 2011

Activity completion: August 23, 2011

Dates actively inside the Monument:

From: August 4, 2011

To: August 24, 2011

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application:

The cruise may be shifted if camps are picked up early. Early pick up could occur up to weeks before current schedule.

Personnel schedule in the Monument:

Camera drops will occur during the day and all staff will be on Oscar Elton Sette

6. Indicate (with attached documentation) what insurance policies, bonding coverage, and/or financial resources are in place to pay for or reimburse the Monument trustees for the necessary search and rescue, evacuation, and/or removal of any or all persons covered by the permit from the Monument:

7. Check the appropriate box to indicate how personnel will enter the Monument:

- ☒ Vessel
☐ Aircraft

Provide Vessel and Aircraft information: NOAA RV Oscar Elton Sette

8. The certifications/inspections (below) must be completed prior to departure for vessels (and associated tenders) entering the Monument. Fill in scheduled date (attach documentation):

- ☐ Rodent free, Date:
☐ Tender vessel, Date:
☐ Ballast water, Date:
☐ Gear/equipment, Date:
☐ Hull inspection, Date:

9. Vessel information (NOTE: if you are traveling aboard a National Oceanic and Atmospheric Administration vessel, skip this question):

10. Tender information:

On what workboats (tenders) will personnel, gear and materials be transported within the Monument? List the number of tenders/skiffs aboard and specific types of motors: NONE

Additional Information for Land Based Operations

11. Proposed movement of personnel, gear, materials, and, if applicable, samples:

None

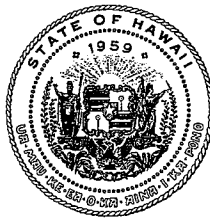
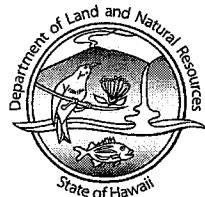
12. Room and board requirements on island:

None

13. Work space needs:

DID YOU INCLUDE THESE?

- ☐ Map(s) or GPS point(s) of Project Location(s), if applicable
- ☐ Funding Proposal(s)
- ☐ Funding and Award Documentation, if already received
- ☐ Documentation of Insurance, if already received
- ☐ Documentation of Inspections
- ☐ Documentation of all required Federal and State Permits or applications for permits



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 13, 2011

TO: Division of Aquatic Resources File

THROUGH: William J. Aila Jr., Chairperson

FROM: Francis Oishi
Division of Aquatic Resources

FO (for RN)

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT
UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR
PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT RESEARCH PERMIT TO CHARLES
LITTNAN, NOAA FISHERIES, PACIFIC ISLANDS FISHERIES SCIENCE CENTER, FOR ACCESS TO STATE
WATERS TO CONDUCT HAWAIIAN MONK SEAL FORAGING HABITAT ASSESSMENT ACTIVITIES
UNDER PERMIT PMNM-2011-0029.

The following permitted activities are found to be exempted from preparation of an
environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

Project Title:

Papahānaumokuākea Marine National Monument Research Permit to Charles Littnan, NOAA
Fisheries, Pacific Islands Fisheries Science Center, for Access to State Waters to Conduct
Hawaiian Monk Seal Foraging Habitat Assessment Activities

Permit Number: PMNM-2011-029

Project Description:

The research permit application, as described below, would allow entry and activities to occur in
Papahānaumokuākea Marine National Monument (Monument), including the NWHI State
waters from June 1, 2011 through May 31, 2012.

This is an effort to increase understanding of the foraging ecology of Hawaiian monk seals at a
largely under-studied subpopulation in the Monument. An underwater video camera would be
deployed from a vessel and used to investigate key foraging sites around Nihoa to determine
habitat type.

The proposed activities are in direct support of the Monument Management Plan's priority
management needs 3.2 – Conserving Wildlife and Habitats, through action plan 3.2.1 –
Threatened and Endangered Species. This action plan includes a strategy to “support activities
that advance recovery of the Hawaiian monk seal”.

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In addition, activities to support understanding and interpreting the NWHI are addressed in the Monument Management Plan Environmental Assessment. This EA covers field activities “carried out to conserve, manage, monitor, and document species and their natural habitats” (PMNM MMP Vol 2, p.202). Benthic habitat monitoring and characterization activities, such as those proposed, would enhance understanding of Hawaiian monk seal critical habitat.

Consulted Parties:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawaii Division of Aquatic Resources, Hawaii Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March 10th, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument’s Public Notification Policy.

Exemption Determination:

After reviewing HAR § 11-200-8, including the criteria used to determine significance under HAR § 11-200-12, DLNR has concluded that the activities under this permit would have minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this permit, including deployment of an underwater camera, have been evaluated as a single action. As a preliminary matter, multiple or phased actions, such as when a group of actions are part of a larger undertaking, or when an individual project is precedent to or represents a commitment to a larger project, must be grouped together and evaluated as a single action. HAR § 11-200-7. This permit does not involve an activity that is precedent to a later planned activity.

2. The Exemption Class for Scientific Research with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and § 11-200-8, HAR, provide for a list of classes of actions exempt from environmental assessment requirements. HAR §11-200-8.A.5. exempts the class of actions which involve “basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.” This exemption class has been interpreted to include “surveys, censuses, inventories, studies, photographing, recording, sampling, collection, culture and captive propagation of aquatic biota”, such as those being proposed.

The proposed filming activities here appear to fall squarely under the exemption class #5, exempt item #4 as described under the former Fish and Game Division exemption list published in January 19, 1976. Filming is considered data collection. As discussed below, no significant disturbance to any environmental resource is anticipated in the filming of Monument resources. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

3. Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not be Significant. Even where a categorical exemption appears to include a proposed action, the action cannot be declared exempt if “the cumulative

impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.” HAR § 11-200-8.B. To gauge whether a significant impact or effect is probable, an exempting agency must consider every phase of a proposed action, any expected primary and secondary consequences, the long-term and short-term effects of the action, the overall and cumulative effect of the action, and the sum effects of an action on the quality of the environment. HAR § 11-200-12. Examples of actions which commonly have a significant effect on the environment are listed under HAR § 11-200-12.

One prior study of this type has been undertaken to date, which had no deleterious effects on Monument resources. Other permits that have involved underwater filming, for educational purposes, have had no deleterious effects on Monument resources. With this in mind, significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities will be conducted in a manner compatible with the management direction of the Monument Proclamation in that the activities do not diminish monument resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects. The joint permit review process did not reveal any anticipated indirect or cumulative impacts, nor did it raise any cultural concerns, that would occur as a result of these activities.

These activities would be conducted from the NOAA Ship OSCAR ELTON SETTE. The ship will be conducting routine operations under permit PMNM-2011-008. The primary mission of the NOAA Ship Oscar Elton Sette cruises are to deploy personnel and supplies at field camps throughout the Monument under the Manager’s permit PMNM-2010-001. Additionally, one other activity may be occurring on NOAA Ship Oscar Elton Sette pending application approval. Proposed activities from this pending application include captive care and de-worming studies on monk seals, and would also fall under the direction of this Applicant and would complement current proposed activities.

NOAA Ship HI’IALAKAI has cruises in July and August 2011 and is likely to be at Nihoa Island at the same time as the proposed project. The primary activities based from NOAA Ship HI’IALAKAI, occurring at Nihoa, will be coral reef monitoring surveys proposed by Scott Godwin and Randall Kosaki. In addition, there may be opportunistic collection of fishes and invertebrates by permit applicants Greta Aeby, Brian Bowen and Carl Meyer. None of the listed activities overlap with working depths or activities proposed by the Applicant. The culmination of these permits, and their disparate activities, occurring in approximately 133 sq. km. area of State waters at Nihoa over a two day period, is not anticipated to have significant cumulative impacts.

Since no significant cumulative impacts or significant impacts with respect to any particularly sensitive aspect of the project area are anticipated, the categorical exemptions identified above should remain applicable.

4. Overall Impacts will Probably be Minimal and Insignificant Any foreseeable impacts from the proposed activity will probably be minimal, and further mitigated by general and specific conditions attached to the permit. Specifically, all research activities covered by this permit will be carried out with strict safeguards for the natural, historic, and cultural resources of the

Monument as required by Presidential Proclamation 8031, other applicable law and agency policies and standard operating procedures.

Conclusion. Upon consideration of the permit to be approved by the Board of Land and Natural Resources, the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR, have been determined to be of probable minimal or no significant effect on the environment and exempt from the preparation of an environmental assessment.



William J. Aila Jr.
Board of Land and Natural Resources

5/2/11

Date